

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

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CRM-M-47975-2023 (O&M)
Date of decision: 22.09.2023

Prahlaad Singh (@Puran)

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Dheeraj Narula, Advocate for the petitioner.

HARNARESH SINGH GILL, J. (ORAL)

Prayer in the petition is for quashing/setting aside the impugned order dated 05.12.2022 (Annexure P-21) passed by the learned Addl. Sessions Judge, FTSC, Sirsa, in case FIR No.160 dated 31.07.2020 registered under Section 18 of the NDPS Act, at Police Station Nathusari Chopta, District Sirsa.

Learned counsel for the petitioner submits that the alleged recovery of contraband was effected from the co-accused and the petitioner was indicted in the present case on his disclosure statement; that the petitioner was granted regular bail vide order dated 28.10.2020 passed by the learned Sessions Judge, Sirsa and that thereafter, the petitioner was regularly appearing before the learned trial Court. It is further submits that because of ill-health of his father as he was to be taken to Jodhpur for treatment, the petitioner could not appear before the Court on 05.12.2022, and accordingly, his surety/bail bonds were cancelled and forfeited to the State and warrants of arrest were issued against him. As per the order dated 11.01.2023, the warrants of arrest and bailable warrants were not executed, even then, proclamation was issued against the petitioner. The petitioner has

not been declared a proclaimed offender till date and the case before the learned trial Court is fixed for 19.10.2023.

He further submits that non-appearance of the petitioner on 05.12.2022 was not intentional and that the petitioner is ready to appear before the learned trial Court.

Notice of motion.

On the asking of this Court, Mr. Rupinder Singh Jhand, Addl. AG Haryana, accepts notice on behalf of the respondent-State.

It is a case, wherein the petitioner had been regularly appearing before the Court, but only on a solitary date i.e. 05.12.2022, he could not appear before the trial Court because of ill health of his father and now he is ready to appear before the learned trial Court to face the trial. The non-appearance of the petitioner appears to be not intentional.

The objective of the coercive mechanism prescribed under the Code of Criminal Procedure is to ensure that the accused remains present before the Court to receive the orders and judgments as are passed qua the accused. If the accused shows his sincere intention and desire to appear before the Court, then it would not be unjustified to protect him from being arrested.

Keeping in view the above fact, the order dated 05.12.2022 (Annexure P-21) passed by the learned Addl. Sessions Judge, FTSC, Sirsa, in case FIR No.160 dated 31.07.2020 registered under Section 18 of the NDPS Act, at Police Station Nathusari Chopta, District Sirsa, is set aside subject to him depositing the costs of Rs.15,000/- with the District Legal Services Authority, Sirsa. On his doing so, the petitioner shall be released on

bail, subject to him furnishing the fresh bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate.

Disposed of.

22.09.2023
Mangal Singh

(HARNARESH SINGH GILL)
JUDGE

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No